

## Dogs – Let the Owner Beware!

By Rudy Wartella

A dog is a man's best friend, but when a dog attacks, it could be a man's worst enemy.

We have all heard of dogs killing, or injuring people or pets. Usually, when we hear about this it is a Pitbull or Rottweiler, but also includes other "fighting dogs" such as mastiffs and possibly even Dobermans. When I was in law school, before Pitbulls became common, I read a line of cases on dog bites. Since there are 50 states, there are potentially 50 different laws. In some states the law allowed for a "one-bite" rule. What this meant was that an owner did not know a dog was dangerous, and the owner could be relieved of liability, if the dog never bit anyone before.

Now, with Pitbull/Rottweiler attacks so commonplace, the one-bite rule may no longer apply. Pitbulls/Rottweilers are presumed to be dangerous. Owners of these dogs are held to a higher standard in some states and by public opinion in all others. Click [here](#) to find out about Breed Specific laws. SOFA members in Japan currently are not prevented from owning dogs, but this could all change if pet owners are not more responsible. In some countries (Germany), Americans are prevented from bringing certain breeds of dogs.

The Bottom line is clear. If you own a dog, whether it is a Pitbull, Rottweiler, or Cocker Spaniel, you are responsible for what your dog does. On base, you must follow base housing rules in supervising your pets. See "[Guidelines outline responsible pet ownership](#)" published in the June 5, 2009 [Okinawa Marine](#) for the rules on Okinawa. Off base, Japanese law applies. Either way, you are subject to criminal and civil action for the conduct of your dog. In a recent case in Japan, a child was mauled by a "fighting dog." These attacks are becoming more frequent and will provoke restrictions on dog ownership, especially for the more dangerous breeds. In a recent case in New York, a couple was charged with Manslaughter/2nd Degree, Class C felony<sup>1</sup>; Assault/2nd Degree, Class D felony; Assault/3rd Degree, Class A misdemeanor<sup>2</sup>; Dogs To Be Restrained, NYC Health Code Violation and faced up to 15 years in prison ([Press Release](#)).

Warnings such as "Beware of Dog," are helpful in warning potential victims, but these do not relieve the owner of responsibility. That is why I am now "warning" the dog

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<sup>1</sup> **Felony** - An offense for which a sentence to a term of imprisonment in excess of one year may be imposed. In New York, for the purpose of sentence, felonies are divided into five categories or classes: A, B, C, D and E felonies. Class A felonies are divided into two sub-categories: A-I and A-II felonies. Class A felonies carry the longest jail sentences and class E felonies carry the shortest jail sentences for felony cases. Jail sentences for misdemeanor and violations or infractions are even shorter.

<sup>2</sup> **Misdemeanor** – In New York, this is a specific type of offense for which a person may be sentenced to more than 15 days but not more than one year in jail.

owner with this article. Be careful what type of dog you choose to own. For many of you, the choice has already been made. Take all necessary precautions to keep your dog from disturbing others; this includes damage to property, other pets, and harm to others. It only takes a minute for a dog to escape from your quarters, break free from a leash, or crawl under a fence, but even if the attack happens in your own yard, while the dog is on a leash, or even in your own home, you could be held liable.

Finally, although not limiting your criminal liability under the Uniform Code of Military Justice, dog owners should consider buying liability insurance in the event your dog does harm someone. Although I can't refer you to any specific insurance company, I have heard that there are insurance companies in Japan that offer this insurance. If you have any questions, or want to share a dog-bite story with me, I can be reached at [Rudolph.Wartella@us.army.mil](mailto:Rudolph.Wartella@us.army.mil). June, 2009